

REMARKS/ARGUMENTS

This Amendment is being filed with a Requests for Continued Examination, and supplements an earlier Amendment (filed on November 26, 2007), in response to the Final Office Action of June 26, 2007, in which the Examiner **(1)** rejected claims 3-6, 14-17, 22-24, 32 and 33 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,973,442 B1 to Drummond ("**Drummond**"), and further in view of U.S. Pub. No. 2001/0032121 A1 to Le ("**Le**"), **(2)** rejected claim 7 under 35 U.S.C. § 103(a) as being unpatentable over **Drummond** and **Le** as applied to claim 3, and further in view of "Citibank Unveils New Automatic Teller Machine Technology to Aid Individuals with Disabilities" by S. Weeks, Sept. 30, 1992 ("**Weeks**"), **(3)** rejected claims 9-11 and 13 under 35 U.S.C. § 103(a) as being unpatentable over **Drummond** and **Le** as applied to claim 3, and further in view of "Neglected Shoppers Rejoice: Customer Service is Returning" by B. Aarsteinsen, Nov. 9, 1990 ("**Aarsteinsen**"), **(4)** rejected claim 12 under 35 U.S.C. § 103(a) as being unpatentable over **Drummond**, **Le** and **Aarsteinsen** as applied to claim 9, and further in view of "Freddie Mac is Avoiding Bad Loans" by P. Reeves, Nov. 23, 1997 ("**Reeves**"), and **(5)** rejected claims 18-21 under 35 U.S.C. § 103(a) as being unpatentable over **Drummond** and **Le** as applied to claim 17, and further in view of "Tanger Shoppers Score Big Outlet Savings During Super Bowl Scratch and Win Event" on PR Newswire, Dec. 1999 ("**PR Newswire**").

Applicants are not amending claims. Rather the claims are as presented to (and entered by) the Examiner in the earlier Amendment dated November 26, 2007.

Applicant appreciate the courtesy extended by the Examiner in the brief telephone interview of December 14, 2007, and this Amendment is made pursuant to such interview. As discussed with the Examiner, Applicants believe the claims are allowable as now entered, and the arguments herein are directed to those claims. A further interview in order to review in greater detail the merits of the claims was discussed, with the understanding that Applicants' attorney would contact the Examiner in late January 2008, to conduct such a further interview and to give the Examiner sufficient time to consider the claims and the arguments herein.

As discussed in earlier responses, Applicants' invention, as exemplified in claim 32, is directed to a method for permitting marketing and promotional activities to be implemented at an ATM network at each branch office in a bank network, without changing the central accounting system of the bank (see, *e.g.*, paragraphs 05-08 of the Specification). Specifically, claim 32 recites a method for use in a bank processing network having a plurality of ATMs and an information processing system. The information processing system includes a central MCIF server and integrated ATM monitoring apparatus. The ATM monitoring apparatus and the ATMs are located at a branch office. The method includes storing customer service information (customer attribute information and customer offer information) at the MCIF server, downloading the customer service information to the ATM monitoring apparatus in advance of customer transaction, transmitting customer specific information from an ATM to the ATM monitoring apparatus in response to a customer conducting a transaction, and providing selected customer offer information from the ATM monitoring apparatus to the ATM in response to the customer specific information.

Claim 32 also further recites that the customer service information is provided "to a customer conducting a financial transaction" at an ATM, that the customer specific information is "identifying the specific customer using the ATM," that the selected customer offer information provided to the ATM is "based on customer attribute information," and that the central accounting system and ATM monitoring apparatus "operate independently of each other."

In rejecting claim 32, the Examiner relies on **Drummond**, but acknowledges **Drummond** as missing several elements (see Examiner's Remarks in the Final Office Action, pages 4 and 5). The Examiner cites **Le** as disclosing those missing elements, such as a monitoring apparatus and kiosk located at a local site, transmitting customer specific information from a kiosk to the monitoring apparatus, and providing selected customer offer information to the kiosk in response to the customer specific information.

Applicants respectfully submit that the combination of **Drummond** and **Le** fail to suggest several features of claim 32, and further submit that **Le** is not properly combined with **Drummond** since it teaches away from Applicants' invention.

In **Le**, there are a main server 18, a local server 16 and kiosks 14 that provide client specific content (e.g., airport information). Advertisers can target advertising according to demographic or territorial information pertaining to people at or near the kiosk, e.g., people arriving at an airport gate from a city (paragraph 0076). The advertising may be directed, e.g., to events and other tourist information for the destination city of passengers arriving at the airport gate (paragraphs 0056-0060). A user at the kiosk may select a link in order to get further information that may be particularly useful to that user (Figs. 7 and 8).

However, in **Le** there is no *financial* transaction being conducted at an ATM, there is no client specific information identifying a client in response to a customer conducting a transaction, and there is no providing of selected customer offer information in response to the customer specific information (*i.e.*, information "identifying the specific customer"). Further, in **Le**, to the extent specific information is provided to a customer (based on a customer selecting a link), that information is not provided by a local server of ATM monitoring apparatus, but rather is provided remotely from one of the client servers 20. Thus, the motivation cited by the Examiner in combining **Le** with **Drummond** (storing information locally for quicker access -- page 5 of the Examiner's Remarks), is not present in **Le** in connection with the specific offer information provided to a customer. Rather in **Le**, such specific information comes from a remote location, thus being contrary to Applicants' invention where specific customer offer information is downloaded and arranged at the *local* ATM monitoring apparatus "in advance of a customer transaction."

Thus, even as combined, **Drummond** and **Le** do not disclose or teach several elements recited in claim 32, such as:

"the ATM monitoring apparatus and the ATMs...located **at a branch office of the bank**,"

"transmitting customer specific information from an ATM to the ATM monitoring apparatus in response to a customer conducting a transaction at the ATM, the customer specific information *identifying the specific customer using the ATM*," and

"wherein the central accounting system and the ATM monitoring apparatus *operate independently of each other.*"

Further, Applicants believe that **Le** is not properly combined with **Drummond**, since **Le** teaches away from the purpose of the present invention. In **Le**, the main server 18 controls the overall flow of information and controls all local servers and kiosks (paragraphs 0044, 0049). As mentioned in the specification, in Applicants' invention the central accounting system is separate from and operates independently of the ATM monitoring system, so that marketing and promotional activities can be implemented without changing or programming the central system (specification, paragraphs 05-08, 60). Since in **Le** the control is at the main server 18, it teaches away from the purpose of Applicants' invention, where there is no centralized control (Applicants recite the independence of the central accounting system and the ATM monitoring apparatus in claim 32).

CONCLUSION

Entry of this amendment is respectfully urged since it merely cures a formal defect in one of the claims and does not touch the merits.

Respectfully submitted,

/Stephen F. Jewett/
Stephen F. Jewett
Reg. No. 27,565

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 303-571-4000
Fax: 415-576-0300
SFJ:bhr
61239711 v1